

**LOCAL AND REGIONAL PLANNING:
A COMPARATIVE LAND USE AND TRANSPORTATION VISION**

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Introduction

The coupling of land use planning with transportation planning has become an increasingly necessary service of local government, particularly due to the growing physical and economic impacts brought about by a consumptive society. In Wisconsin, such planning is spread over several levels of local and state government in accordance with enabling laws that authorize them to do so within the confines of geographic or functional limits. Theoretically, as levels of government move from the local to the regional perspective, a consistent vision of land use and transportation ought to transcend political disparities. Pacione explains that local geography is better understood in the context of the distribution of towns and cities and their relationship to each other.ⁱ

This paper highlights the most recent land use plans for the Town of East Troy, of Walworth County within which the town is located, and the seven-county metropolitan region --- Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington and Waukesha Counties. The paper also explores some of the socio-spatial similarities and differences that co-exist within an overarching framework that binds these entities under a prevailing direction for land use development.

In the State of Wisconsin, each unit of government -- state, county, town, village and city—has different powers of administrative and legislative authority that can facilitate or sometimes inadvertently hamper coordinated planning efforts. For example, Wisconsin towns are closely managed as "wards" of the County by legislative edict. Cities and villages, on the other hand, have broader home rule powers to exercise policies that are not expressly prohibited by state government. Additionally, regional planning agencies serve to advise the State transportation agency and utility regulators as well as

constituent counties and local units of government through a comprehensive framework of social, economic, political and physical studies and plans. These agencies continually gather and interpret demographic and geographic data that enable their own and other planners to forecast growth and development trends in order that an adequate service structure is in place to support these trends. Oftentimes, the regional planning agency helps local municipalities to sift through the complicated interchange of the multiple levels of government by interpreting area wide trends for the local governments, including utility and school districts. Aside from the agency's ability to coordinate resources, planning becomes even more complex as evident just about anywhere in the region when pro-growth and anti-growth factions battle over ideological turf.

Incorporated municipalities generally support growth and denser development to maximize an economy of scale for services to their constituents. Towns usually strive to minimize services in order to keep expenditures down. Therefore, large lots in towns, ruefully decried as agents of sprawl, become disturbing icons to cities and villages who desire future annexation of those territories. Cities are especially inclined to accept any annexation petition immediately, whether or not they are prepared to service it, in order to build up a reserve of land for urban growth.

As incorporated municipalities threaten the integrity and life span of the town plan by shrinking town territory and by exercising limited oversight for development of town land through extra-territorial plat review, and sometimes extra-territorial zoning, it becomes increasingly difficult for towns to justify investing money and time into developing long-range goals. Nevertheless, the following essay will show that the Town of East Troy's public policy for land use remains consistent within the framework of Walworth County's Land Use Plan and the tenets of the Southeastern Wisconsin Regional Planning Commission (SEWRPC).

The Town of East Troy

East Troy is one of 1266 remaining towns envisioned by the Wisconsin Constitution to provide basic municipal government services to rural areas, such as elections and property tax administration. It cooperates with the County for road construction and maintenance and recycling. And it participates jointly with nearby villages and towns for emergency medical services and fire protection.

The major duties and powers of towns are spelled out in Article IV, Section 23 of the Wisconsin Constitution, Chapter 60 of the Wisconsin Statutes (which pertains specifically to town governments) and Chapter 66 of the Wisconsin Statutes (which applies to towns, villages and cities). Generally described:

Towns are "general purpose" local governments, which means that they provide basic services used daily by all residents. The major distinguishing feature of towns is the fact that they continue to operate as a "direct democracy." This means that the electors of the town have more direct control over most local government issues than their cousins living in cities and villages (where elected representatives make major decisions). Towns also tend to dovetail their services with counties to a greater extent than cities and villages.... Towns are the poor cousins of Wisconsin's local government family. Cities and villages get more money and power from the state -- including the power to annex parts of neighboring towns.ⁱⁱ

Historically, the oversight powers of annexation and plat review assisted growing municipalities to expand into adjacent rural towns. Prior to the 1920's, the outlying rural area rarely suffered economically as the tax base loss was insignificant, land developed in a predictable outward direction, and the town services were practically non-existent, and therefore, did not suffer from the loss of town territory. Later, suburbanization became fashionable and towns experienced scattered growth through "leap frog" development fostered by good local roads for auto transportation, individual soil absorption sewerage treatment systems and the private well. Migrating retail and manufacturing firms added centers of commerce for towns and helped to make them economically important and interdependent with the nearest city. Annexations became a threat to town investments in

urban utilities and improved roads. Annexation also undercut local planning by threatening the town's sustainable tax base for affordable service delivery.

East Troy's 2010 plan, divided in five sections, balances some land for accretion to the Village of East Troy of which the Town surrounds, with farmland preservation South of Interstate Highway 43 (I-43) and large lot rural development Northwest of I-43. The first four sections of the plan guide the Town's Plan Commission to prevent internal development from consuming choice farmland and natural areas and wetlands. These sections, briefly illustrated in Table 1, are as follows:

- Town demographics: population, housing, natural resources, zoning, existing land use, and public services.
- Plan goals and objectives.
- Plan policies for various land uses in Town.
- Development options and implementation strategies in designated planning districts.

The fifth and last section of the plan detailed sub area development around the Village of East Troy. Since these territories were near major highways and denser neighborhoods, the plan deemed them to be natural growth areas for the village. See the Town of East Troy map.

The plan, however, did not anticipate invasive movements by the Village of Mukwonago that borders the northern part of the town. Instead, the plan maintained that the boundary between Mukwonago and the Town, which is also a county line, would stay intact by “negotiating”.ⁱⁱⁱ

While the 1994 plan still seems valid, it is increasingly more difficult to keep the extensive farmlands South of I-43 out of development, because towns near and far from Milwaukee are becoming urbanized. There is some indication that the above pressure will remain given the data within the plan that only 1.4% of the 1990 population or 51 people actively farmed 58% of the entire township. Property owners, who by self-admission at various town and plan commission meetings speculate on the land's development potential, lease many of the tilled lands.^{iv} As the number of farmers decrease and the

infrastructure that supports farms collapse, and pressure for residential or commercial use rises, property owners may be expected to convert low-income crop producing lands to urban development. Often, the first lands to go are usually of the Class III soil^v variety that encompasses the majority of East Troy territory. Nevertheless, the Town's policies for land use appear to be significantly supported by the non-farm and lake property owners. The recent 2020 Walworth County land use plan has included the Town's land use plan along with the other towns within the County's boundaries in order to "integrate regional, County, and town land use objectives." To wit:

The County Plan is designed to be both a guide for decision-making for land use plans within the County and for increasing awareness and understanding of County and town land use objectives by landowners, developers, and other private interests in the County.^{vi}

Walworth County

The statutory powers under which the County operates, and for which towns under its jurisdiction are accountable, are emphasized in the Walworth County 2020 Land Use Plan as follows:

"Under Section 59.69(3) [of the Wisconsin Statutes], counties are authorized to prepare county development plans for the unincorporated territory of the county and areas within incorporated jurisdictions whose governing bodies by resolution agree to have their areas included in the development plan. *Where cities and villages agree [to be included], the development plan must incorporate without change the duly adopted master plan and official map of such a city or village.*^{vii}

Among the data available for Walworth County, a few examples below illustrate the type of growth experienced by the County: In 1995, its urban land use increased from the 42 square miles of the original 1963 inventory to 65 square miles; a 55 percent increase. The population increased from 52,368 in 1960 to 85,493 in 1999; a 38 percent increase. Other increases for urban territory over this period of time included 62 percent for residential, 90 percent for commercial, and the industrial land area increased by 200 percent.^{viii} For the most part, urban development in the County remains concentrated around incorporated cities, villages and lake communities while agricultural and open space lands remain relatively intact. The abundance of unspoiled farmland gives Walworth

County an opportunity to continue to plan for widespread preservation of agricultural and other space lands, including large tracts of woodlands, wetlands and wildlife habitat areas that are identified as Primary and Secondary Environmental Corridors by SEWRPC. See the map for Walworth County.

Of particular importance to the Town of East Troy in the Walworth County Plan are the identification and placement of public utility systems that were planned by SEWRPC while helping the County prepare its 2010 plan. The placement of sanitary sewerage facilities is especially influential in the location and density of urban development. The Town has no sewerage treatment facility but contracts with the Village of East Troy for this service. The Town has two sanitary sewerage districts that service a portion of the Town. While the Town provides sanitary sewer service to Potter's Lake and intervening lands, in most cases property owners' petition the Village of East Troy for development. This is because denser development in the Village justifies higher land prices to the farmer. Although there doesn't appear to be any provision in the Walworth County plan for sewer expansion by the Town sanitary district, the Village of Mukwonago has recently annexed over Town objections almost two square miles of land abutting the Potter's Lake Sanitary District. Mukwonago has not demonstrated at this time whether it has the ability to provide a sewerage system for these properties. Neither has it properly identified it as a sewer service area through a SEWRPC analysis or a Department of Natural Resources study. The Town of East Troy and the Village of Mukwonago are presently disputing the sewer service issue.

There had once been a balance in housing codes for designated uses between the historic private waste disposal septic systems typically found on town lots, and the community water and sewer treatment systems typical of cities and villages. However, the State of Wisconsin has recently shifted the balance by approving the installation of specially designed soil absorption systems under Comm 83 of the Wisconsin Administrative Code. These newer systems are allegedly more efficient than the

traditional septic bed, yet frees the property owner from the perennial forced choice of connecting to the public sewer where older type septic systems would likely fail. The incorporated municipalities fought state implementation of these systems for a decade in fear that towns will continue to promote sprawl by excluding residential building into areas that heretofore were unserviceable by private septic treatment services. A few towns fear that their weapon to fend off developers by showing poor soils has been compromised. The Walworth County Plan responds to these concerns with one caveat: the local municipalities, particularly towns in this context, must have an articulate land use plan and sound zoning for which to gauge development issues; and one suggestion – the use of Conservation Subdivisions.

Unlike the traditional town development pattern of one large lot per house for a typical low residential density, the homes in conservation subdivisions would be clustered in a relatively compact fashion, while the overall density would remain low. The new concept might include three homes per acre instead of one home per five acres. The remaining undeveloped land would be preserved with the other natural features and open spaces, including cropland.^{ix}

In spite of strong market trends to decentralize from urban centers out into the rural parts of Walworth County, the County strives to incorporate the SEWRPC tenets by centralizing settlement patterns to existing urban centers in the County. The concentration of the population in urban centers is directed toward the following goals from SEWRPC's perspective:

1. Establish areas that can be readily served by public sanitary sewer, water supply, and transit services; which are covered by soils suitable for development; and which are not subject to special hazards such as flooding and erosion.
2. Promote a return to growth in metropolitan business centers by halting population exodus and business migration.
3. Preserve environmental habitat by redirecting development.
4. Preserve the more agriculturally productive lands.^x

Southeastern Wisconsin Regional Planning Commission, Waukesha, Wisconsin

The range of SEWRPC extends over the 7 southeast counties of Wisconsin, which include the most economically active part of the state, due to inclusion of Milwaukee, and the proximity to Chicago. Founded in 1960, the Commission adopted its first plan in 1966 for the region – its design year “1990” plan. Its goal is to update the 1990 plan every 5 or 10 years. The commission published its 2010 plan in 1992 and its 2020 plan in December 1997.

The 1966 plan for the region with a design year 1990 established all the basic tenets of the regional plan and its subsequent updates. See Recommended Land Use Plan Map for the Southeastern Wisconsin Region, 2020. These include the following:

- Directing as much urban development as possible to areas serviced with public sewer and water;
- Preserving farm land;
- Preserving natural resource areas, especially where they fall into “environmental corridors” along major water courses or major land features such as the Kettle Moraine; and
- Integrating land use and transportation facility planning, including transportation decisions previously made by the state and federal governments independent of local units of government.

Funding for SEWRPC has included substantial annual grants from the federal and state highway trusts, as well as from the constituent county governments.

Working with an extensive data base of the physical characteristics of the region that has been compiled over the past 35 years, SEWRPC relies upon two types of inventories to monitor urban growth and development: an urban growth ring analysis and a land use inventory. The Regional Land Use Plan for Southeastern Wisconsin provides further description:

The urban growth ring analysis depicts the outer limits of concentrations of urban development. The growth rings encompass concentrations of land developed for urban use and open lands being preserved for resource conservation and outdoor recreational purposes within such urban concentrations. When [applied] to urban population levels, the urban growth ring analysis provides a good basis for calculating urban population densities. By contrast, the land use inventory identifies as urban all lands, which have been developed for residential, commercial, industrial, institutional, transportation, and other similar uses regardless of location.^{xi}

A significant caveat of this inventory is the discovery that development in this region changed dramatically after 1950. The SEWRPC plan says, “the earlier form of compact, concentric urban development was supplanted by a much more scattered pattern of area-wide development, and the conversion of land to urban use occurred at a much faster rate.”^{xii} Furthermore, these changes, combined with a significant reduction in average household sizes, led to a decreased population density of 8,100 persons per square mile in 1950 to about 3,500 persons per square mile in 1990. Consequently, urban land use increased by 44 percent, or adding 193 square miles (between 1963 and 1990) while non-urban lands decreased by 9 percent, or subtracting 193 square miles of mostly agricultural lands, as it was converted to urban use.

Following these conclusions, the plan encourages public and private concerns to adopt a consistent vision with that of Walworth County:

- A compact, centralized settlement pattern.
- Maximum use of existing and planned public utility, transportation facility, and other public facility systems
- Encourage existing urban areas as desirable places to live.
- Maximize access of the resident population to neighborhood and community facilities and employment centers.
- Preserve environmentally sensitive areas and the most productive agricultural lands.

The plan emphasizes that implementation requires close cooperation among the units and agencies of government and private interests involved in the application of the above issues. This requires, for example, additional land use planning at the county and local levels, stricter oversight of land use regulations and waste management systems, more publicly funded land acquisitions, and municipal boundary and utility extension agreements.

As SEWRPC’s recommendations are advisory, Pacione warns that it remains to be seen how municipal controls can harness market forces to shape the form of US municipal planning and the structure of American urban areas.^{xiii}

SEWRPC’s development outlines help greatly to determine the depth of need for auxiliary utility and transportation services for a mobile population. Despite this

planning, the politics of economic interests come forward. Builder developers argue that a planning system restricts their ability to obtain a basic factor of production and that development controls inflate the price of land and houses. Farmers too are wooed by the big dollars urbanized development brings to their property while the alternative prospect of retiring without an income reduces cognitive dissonance. On the other hand, government bodies maintain that the goal of the planning system is to ensure the orderly release of building sites within an approved policy framework. The ensuing debate leads to market speculation that, where the Town of East Troy is concerned for its purposes in planning, determines whether a parcel of land is transferred by annexation from rural to urban use.

Conclusion

Overall, the three plans by the Town of East Troy, Walworth County and SEWRPC are necessarily interdependent as they each have incorporated and adopted the following basic, often reiterated tenets: 1) concentrate populations around urban centers; 2) preserve open space and agricultural lands; and, 3) anticipate the needs for existing and future public utilities and roads.

Since the Town does not have a population large enough to support mass transportation systems such as a bus or rail line, and most of its roads are state or county highways, it has not developed a Transportation plan. Nevertheless, regional and county functional and jurisdictional highway system plans are available as a framework for town plans. On the other hand, the changing freeway system in Milwaukee County and the increasing traffic between the two greater metropolitan areas of Chicago and Milwaukee challenges SEWRPC to anticipate increasing demand for more efficient mass transit systems for Kenosha, Racine and Milwaukee Counties.

Where the three differ is in the degree of implementation. The Town of East Troy has joint oversight with Walworth County over local zoning and subdivision design. It is incumbent upon the Town to ensure good detailed site design at the individual

development sites. Walworth County has the legal responsibility through the tax credits it receives from the Wisconsin Farmland Preservation program to inventory prime agricultural lands. SEWRPC, as an advisory agency, has little authority to enforce its goals and objectives. However, establishment of sanitary service areas and its tenets become adopted into the plans of the local municipalities for implementation.

Furthermore, annexation is not necessarily a consideration for Walworth County or SEWRPC. For one reason, neither one has any authority over an incorporated municipality that is empowered by the State of Wisconsin to annex town territory. For another reason, towns are generally considered repositories of land for future development. So long as the tenet for preservation of open lands and agriculture remain a viable argument, towns like East Troy will continue to maintain its purpose according to its objectives in its Land Use Plan -- to maintain a quality of life apart from its urban counterparts.

Endnotes

ⁱ Pacione, Michael, Urban Geography: A Global Perspective, Routledge, 2001, p. 17.

ⁱⁱ Wisconsin Town's Association, W7686 County Road MMM | Shawano, WI 54166-6086 Phone: (715) 526-3157 | FAX: (715) 524-3917. Website: www.wistowns.org

ⁱⁱⁱ Land Use Plan: Town of East Troy, WI, by Camiros, Ltd, adopted June, 22, 1994, p. 29

^{iv} Interview with Victor Kranitz, Chairman of Town of East Troy Planning Commission.

^v Class III soils are marginally acceptable for growing a limited variety of crops. Class I and II soils are considered prime agricultural grades.

^{vi} A Land Use Plan for Walworth County Wisconsin: 2020, Planning Report 262 by Southeastern Wisconsin Regional Planning Commission, April 2001, page 2.

^{vii} Ibid, page 2.

^{viii} Ibid. Table1, page 9.

^{ix} Ibid. Page 78.

^x A Regional Land Use Plan for Southeastern Wisconsin: 2020, Prepared by the Southeastern Wisconsin Regional Planning Commission, December, 1997, page 3.

^{xi} Ibid, page 9.

^{xii} Ibid, page 118.

^{xiii} Pacione, page 163.